

Court of Appeals, State of Michigan

ORDER

People of the State of Michigan v Amy Ellen Nowak

Docket No. 308232

LC No. 10-002633-FH

Patrick M. Meter
Presiding Judge

Kathleen Jansen

Kurtis T. Wilder
Judges

On its own motion, the Court orders this matter is REMANDED for the limited purpose of taking additional evidence regarding the date that the Department of Corrections began interpreting MCL 768.7a(2) to conclude that defendants, like defendant here, who were previously sentenced for a life offense, and committed and were convicted of a felony while on parole for that life offense, are subject to life without the possibility of parole. MCR 7.216(A)(4) and (5). The Court retains jurisdiction.

The trial court shall hear and make findings of fact on the issue remanded within 56 days after the Clerk's certification of this order. If the parties file any pleadings pertaining to this remand in the trial court, the parties shall also simultaneously file copies of those pleadings with the Clerk of this Court. Appellant shall also file with the Clerk of this Court copies of any orders entered on remand within 14 days after entry. The trial court's findings of fact shall be made on the record, and the trial court shall also cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Appellant may file a supplemental brief pertaining to the findings reached by the trial court on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Appellee may file a supplemental brief in response within 21 days after the filing of appellant's brief.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JAN 30 2014

Date


Chief Clerk